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Attorneys for Defendant PetSmart, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JACQUELYN REAVES,	:	Hon. _____
	:	Case No. _____
Plaintiff,	:	
	:	<i>Civil Action</i>
v.	:	
	:	NOTICE OF REMOVAL & LOCAL CIVIL RULE 11.2 CERTIFICATION
PETSMART,	:	
	:	
Defendant.	:	

**TO: CHIEF JUDGE AND JUDGES OF
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ON NOTICE TO:

Christian R. Oehm, Esq.
Lindgren, Lindgren, Oehm & You, LLP
246 Bridge Street, Bldg. G.
Metuchen, New Jersey 08840

Michelle M. Smith, Esq., Clerk
The Superior Court of New Jersey
Richard J. Hughes Justice Complex
25 W. Market Street, 6th Floor North Wing
P.O. Box 971
Trenton, New Jersey 08625

Clerk, Superior Court of New Jersey
Law Division – Somerset County
40 North Bridge Street
Somerville, New Jersey 08876

HONORABLE JUDGES:

Defendant PetSmart, Inc. (“PetSmart”) hereby notices the removal of this action pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 to the United States District Court for the District of New Jersey, and as grounds therefore shows as follows:

I. TIMELINESS OF REMOVAL

1. On or about January 29, 2016, Plaintiff Jacquelyn Reaves (“Plaintiff”) commenced a civil action in the Superior Court of New Jersey, Law Division, Somerset County, entitled *Jacquelyn Reaves v. PetSmart*, Docket No. SOM-L-77-16 (“the State Court Action”). A copy of the Complaint is attached hereto as Exhibit A.

2. Counsel for PetSmart accepted service of the Complaint on behalf of PetSmart on March 2, 2016.

3. PetSmart has removed this action within 30 days after service of the Complaint. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal has been timely filed.

II. VENUE

4. The New Jersey Superior Court Somerset County is located within the District of New Jersey. 28 U.S.C. § 110. Therefore, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

III. BASIS FOR REMOVAL – DIVERSITY OF CITIZENSHIP

5. This action is properly removable under 28 U.S.C. § 1441(a), because the United States District Court has original jurisdiction in this case under 28 U.S.C. § 1332(a), which provides, “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states....”

A. AMOUNT IN CONTROVERSY

6. Plaintiff is a former PetSmart employee. She worked at the PetSmart store located in Bridgewater, New Jersey and her employment was terminated in December 2015. It appears that Plaintiff is bringing an action to recover damages for wrongful termination in violation of the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et. seq.* (See Complaint, ¶ 1).

7. According to the Complaint, Plaintiff seeks damages for “intentional drama, stress, loss of earnings, loss of promotion, loss of wages, emotional harm, attorney’s fees, and costs of suit.” (See Complaint, ¶ 2). In one of Plaintiff’s communications with PetSmart employees, she demanded payment of a position paying her \$250,000 plus fringe benefits. Accordingly, although PetSmart does not concede or admit that Plaintiff suffered any damages, for purposes of removal, the amount in total controversy in this matter is in excess of \$75,000.00, exclusive of interest and costs.

B. DIVERSITY OF CITIZENSHIP

8. Plaintiff is a citizen of the State of New Jersey.

9. PetSmart is incorporated under the laws of the State of Delaware with its principal place of business in the State of Arizona.

10. According to 28 U.S.C. § 1332(c)(1), a corporation shall be deemed to be a citizen of any State in which it is incorporated and of the State where it has its principal place of business.

11. As Plaintiff and PetSmart are citizens of different states, there is complete diversity for purposes of jurisdiction conferred by 28 U.S.C. § 1332(a).

IV. CONCLUSION

12. To date, PetSmart has not filed a responsive pleading in the State Court Action.

13. Pursuant to 28 U.S.C. § 1446, copies of this Notice of Removal have this day been served upon Plaintiff, and will be promptly filed with the Clerk of the Superior Court of New Jersey and the Clerk of the Superior Court in Somerset County, New Jersey.

14. By removing this matter, the removing Defendant does not waive, or intend to waive, any defenses it might have including, but not limited to, insufficiency of process and insufficiency of service of process and/or lack of personal jurisdiction, and reserves the right to assert all defenses herein.

15. If any questions arise concerning the propriety of this removal, PetSmart requests that the Court allow it to file a brief supporting removal and be heard in oral argument.

WHEREFORE, PetSmart respectfully requests that this Honorable Court take jurisdiction of this action and issue all necessary orders and process to remove said action from the Superior Court of New Jersey, Law Division, Somerset County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Attorneys for Defendant
PetSmart, Inc.

Date: March 30, 2016

By: s/Jocelyn A. Merced
Jocelyn A. Merced

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I, Jocelyn A. Merced, Esq., counsel for Defendant PetSmart, Inc., certify that the matter in controversy is not the subject of any other action pending in any court, and Defendant knows of no other action pending in any court, or of an any pending arbitration or administrative proceeding.

s/Jocelyn A. Merced
Jocelyn A. Merced, Esq.
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Dated: March 30, 2016

PROOF OF SERVICE

I am over the age of 18 and not a party to this action. On this date, I served a true copy of the attached:

NOTICE OF REMOVAL & LOCAL CIVIL RULE 11.2 CERTIFICATION

on the party listed below, via FedEx overnight delivery, sent to counsel for Plaintiff, at their last known address as follows:

Christian R. Oehm, Esq.
Lindgren, Lindgren, Oehm & You, LLP
246 Bridge Street, Bldg. G.
Metuchen, New Jersey 08840

and, via FedEx overnight delivery, upon

Michelle M. Smith, Clerk
Superior Court of New Jersey
Hughes Justice Complex
25 W. Market Street
P.O. Box 971
Trenton, New Jersey 08625

Clerk, Superior Court of New Jersey
Law Division – Somerset County
40 North Bridge Street
Somerville, New Jersey 08876

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 30, 2016

s/Jocelyn A. Merced
Jocelyn A. Merced, Esq.

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